

Maine Department of Environmental Protection
Summary of Proposed Changes to Surface Water Toxics Control Program
Proposed Chapter 530

Applicability and Testing

- Coverage is for all domestic and industrial process wastes except: domestic sources <50,000 gpd with a dilution factor of >50:1, CSOs and residential overboard discharges
- Redefines testing levels, using only dilution factors for both municipal and industrial sources
- Drops surveillance testing for priority pollutants
- Drops all testing for fathead minnows and Atlantic silversides
- Adds testing for “analytical chemistry” - common metals, ammonia
- Changes test frequencies for screening and surveillance testing
- Allows some waivers of surveillance testing based on analysis of past 60 months of data

Evaluation of Data

- Facilities are required to review test results as received
- DEP will still do final compliance evaluations
- Reviews will use the most recent 60 months of data
- For good cause, DEP can exclude some data from evaluations (e.g., resolved TRE)
- Describes how to handle “less than” values in calculations
- Defines what facility flows to use in various calculations
- Effluent limits for chemicals to be expressed as both quantity and concentration

Environmental Evaluation and Load Allocation

- Need to consider all “real world” conditions
- Consider background concentrations of pollutants using DEP published data, default assumption (proposed as 10% of criteria) or site specific data
- Allowance for physical characteristics – pH, temperature, salinity, hardness – using default data or site specific data
- Consider entire watershed and all sources of pollutants for cumulative impact
- Set up at “water quality reserve” to allow for growth (anti-degradation) and to allow for non-point source contributions. Proposed as not less than 15% of assimilative capacity.
- Consider effects of multiple discharges in the same watershed or estuary by evaluating in-stream concentrations at bottom of a main stem, in tributaries and below each discharge source.
 - Factor out background amount and water quality reserve
 - Available capacity is allocated among sources in proportion to past discharges
 - Proposes that allocations may be up to 2X past loads if capacity is available

DEP website for information on toxics rule changes:

<http://www.state.me.us/dep/blwq/watertoxicsrule.htm>

(or www.maine.gov/dep ⇒ Bureau of Land and Water ⇒ What’s New ⇒ Rulemaking Review ⇒ Amendments to Chapter 530.5 ⇒ more information)

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Proposed Chapter 530 Testing Levels

Level	WET and Priority Pollutants
I	Dilution <20:1
II	Dilution 20:1 to 100:1
III	Dilution 100:1 to 500:1 or >500:1 and permitted flow > 1.0 MGD
IV	Dilution >500:1 and permitted flow < 1.0 MGD

Comparison of Screening Test Requirements

Proposed Chapter 530				Existing Chapter 530.5		
Level	WET Testing	Priority Pollutants	Analytical Chemistry	Frequency	WET Testing	Priority Pollutants
I	4/year	1/year	4/year	High	4/year	4/year
II	2/year	1/year	4/year	Medium	2/year	2/year
III	1/year	1/year	4/year	Low	1/year	1/year
IV	1/year *	1/year *	4/year *			

* Level IV tests are waived unless the discharge is new or has had a history of toxicity.
Test frequencies may be reduced for intermittent discharges.

Comparison of Surveillance Test Requirements

Proposed Chapter 530				Existing Chapter 530.5		
Level	WET Testing	Priority Pollutants	Analytical Chemistry	Frequency	WET Testing	Priority Pollutants
I	2/year	none	4/year	High	1/year	1/year
II	1/year	none	2/year	Medium	1/year	1/year
III	1/year	none	1/year	Low	1/year	1/year
IV	1/year *	none	1/year *			

* Level IV tests are waived unless the discharge is new or has had a history of toxicity.
Test frequencies may be reduced for intermittent discharges.

Possible Reductions in Surveillance testing

Levels	May be reduced to.....
I	Once per year
II	Once per two years
III & IV	No testing required

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